IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 59 OF 2004

State of Maharashtra .. Appellant

versus

Seema Vikki Jangada & ors. .. Respondents

...

Mr.B.H. Mehta, APP for the State.

None for the respondents.

CORAM : V.M. KANADE, J

DATED : 22nd September 2004.

ORAL JUDGEMENT:-

1. Heard the learned APP appearing on behalf of the State.

2. The State is challenging the judgement and order passed by JMC, Vth Court, Pune in Regular Criminal Case no.537 of 2001. The accused were acquitted of the offence punishable u/s.498A r/w sec.34 of the IPC. The learned APP appearing on

behalf of the State has taken me through the evidence adduced by the prosecution. The only allegation made by the complainant regarding cruelty is that the accused Seema and Baby had snatched the glass from the hands of the complainant and has assaulted her. Thereafter, the accused lodged a complaint against her and after they returned from the police station, the accused Baby said that she would set the complainant on fire and thereafter, on the next day, she lodged the complaint. This being the only evidence which is adduced by the prosecution in support of the prosecution case, the trial Court after taking into consideration the ambit and scope of section 498A of the IPC as also the various judgements of this Court wherein a consistent view has been taken in order to establish anoffence under section 498A, there should be continuous harassment and that each and every cruelty is not punishable under section 498A of the IPC.

3. I have perused the Record and Proceedings. In my view, there is no reason to interfere in the order passed by the trial Court.

4. Leave is therefore, refused. Appeal is

dismissed.

V.M.KANADE, J